



## MINUTES

**BRYAN PLANNING AND ZONING COMMISSION  
REGULAR MEETING  
THURSDAY, APRIL 15, 2010 – 6:00 P.M.  
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING  
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer:     *The meeting minutes herein are a summarization of meeting procedures, not a verbatim transcription.*

### **1. CALL TO ORDER.**

Chairperson Beckendorf called the regular meeting to order at 6:07 p.m.

<b>Commissioners</b>	<b>Present</b>	<b>2010 Regular Meetings Held</b>	<b>2010 Regular Meetings Attended</b>	<b>Regular Meetings Held During Last 6 Months</b>	<b>Regular Meetings Attended During Last 6 Months</b>
Michael Beckendorf	Yes	6	6	8	7
Johnny Bond	Yes	6	6	8	8
Helen Chavarria	Yes	6	5	8	7
Scott Hickle**	Yes	6	6	8	6
G. H. Jones	Yes	6	6	8	7
Chuck Konderla**	No	6	4	8	4
Prentiss Madison*	Yes	6	5	8	6
Don Maxwell	Yes	6	5	8	6
Michael Parks	Yes	6	5	8	6

\*Appointed in November 2009

\*\*Appointed in January 2010

Staff members present:

Mr. Martin Zimmermann, Planning Administrator; Ms. Julie Fulgham, Senior Planner; Mr. Randy Haynes, Project Planner; Ms. Michelle Audenaert, Economic Development Planner; Mr. Dale Picha, Director of Traffic and Transportation; Mr. Paul Kaspar, City Engineer; Ms. Meredith Wilganowski, Assistant City Attorney; and Mr. Brent Elliott, Planning Intern.

**2. HEAR CITIZENS.**

No one came forward.

**3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST.**

No affidavits were filed.

**4. CONSENT AGENDA.**

**A. Approval of minutes from the workshop and regular meetings on March 4, 2010.**

**B. Approval of minutes from the workshop meeting on March 25, 2010.**

**C. Easement Release ER10-01: Bridgewater Meadows Subdivision** **M. Audenaert**  
*A request for release of an 8-foot wide and 879.8-foot long sewer line easement extending generally southwest for a distance of 879.8 feet from Palasota Drive, approximately 380 feet northwest from its intersection with Cottonwood Street, on 10.06 acres of vacant land out of Stephen F. Austin League No.9, A-62 in Bryan, Brazos County, Texas.*

**D. Final Plat FP10-03: Highland Hills Subdivision** **M. Zimmermann**  
*A proposed Final Plat of Highland Hills Subdivision, being 13.05 acres of land out of John Austin Survey, Abstract No. 2 adjoining the north corner of the intersection of Briarcrest Drive (F.M. 1179) and the northbound frontage road of North Earl Rudder Freeway (State Highway 6) in Bryan, Brazos County, Texas.*

**Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Jones seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**5. Replat RP09-25: Bryan Original Townsite** **J. Fulgham**  
*Proposed Replat in Block 124 of Bryan Original Townsite, being 0.1914 acres of land located at the northwest corner of North Bryan Avenue and West 21<sup>st</sup> Street in Bryan, Brazos County, Texas.*

Ms. Fulgham presented a staff report (on file in the Development Services Department). Staff recommends approving the replat finding that it meets all applicable regulations.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Chavarria moved to approve Replat RP09-25, as recommended by staff. Commissioner Jones seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**6. Replat RP10-05: Fox Meadow Subdivision**

**M. Audenaert**

*Proposed Replat of Lot 5 in Fox Meadow Subdivision, being 3.11 acres of land located at the west corner of Stevens Drive and Rabbit Lane in Bryan, Brazos County, Texas.*

Ms. Audenaert presented a staff report (on file in the Development Services Department). Staff recommends approving the Replat finding it meets all applicable regulations.

The public hearing was opened.

Mr. Jarrell Currie, 3707 Stevens Drive, came forward to speak against the request. He stated that he would like the lot to remain the same size.

Mr. Juan and Ms. Tina Hernandez, 3704 Stevens Drive, came forward to speak in favor of the request. They stated that they wish to allow their children the right to build a home on the property.

The public hearing was closed.

**Commissioner Jones moved to approve Replat RP10-05, as recommended by staff. Commissioner Maxwell seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**7. Replat RP10-06: Williams Subdivision**

**R. Haynes**

*Proposed Replat of Lot 18 in Williams Subdivision consisting of 1.876 acres of land adjoining the south side of Stevens Drive between North Texas Avenue and Old Hearne Road in Bryan, Brazos County, Texas.*

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approving the replat finding it meets all applicable regulations.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Hickle moved to approve Replat RP10-06, as recommended by staff. Commissioner Parks seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

**The motion passed with a unanimous vote.**

**8. Rezoning RZ10-02: Daniel & Kerri Brightwell**

**R. Haynes**

*A request to change the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 0.519 acres of land adjoining the east side of Tabor Road between Siegert Drive and the southbound frontage road for North Earl Rudder Freeway located at 2319 Tabor Road in Bryan, Brazos County, Texas.*

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approving the Rezoning as requested.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Parks moved to recommend approval of RZ10-02, accepting the findings of staff. Commissioner Jones seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**9. Rezoning RZ10-04: Curtis Capps**

**R. Haynes**

*A request to change the zoning classification from Industrial District (I) to Mixed Use Residential District (MU-1) on 0.141 acres of land along the south side of the 200 block of West Pease Street between Finfeather Road and Groesbeck Street, being Lot 3 in Block 1 of Frontier Development Subdivision - Third Installment in Bryan, Brazos County, Texas.*

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends that the Planning and Zoning Commission postpone making a recommendation to the City Council regarding this rezoning request until its next regular meeting on May 20, 2010 and direct staff to initiate a City-initiated rezoning for all lots adjoining the south side of W. Pease Street between Finfeather Road and Groesbeck Street from Industrial (I) District and/or Multiple-Family (MF) District, to Mixed Use Residential (MU-1) District for consideration by the Commission at that same meeting.

Responding to a question from Commissioner Maxwell, Mr. Haynes explained that the process for a comprehensive rezoning of the area would delay the applicant's request by about a month.

Commissioner Parks stated that there are a number of issues involved with rezoning and that he does not wish to inhibit the applicant however he can understand the staff's reasons for the rezoning of the area and their hope to avoid "spot zoning".

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Jones moved to postpone making a recommendation to the City Council regarding this rezoning request until the Commission's next regular meeting on May 20, 2010 and to direct staff to initiate a City-initiated rezoning for all lots adjoining the south side of W. Pease Street between Finfeather Road and Groesbeck Street from Industrial (I) District and/or Multiple-Family (MF) District, to Mixed Use Residential (MU-1) District for consideration by the Commission during its next regular meeting on May 20, 2010. Commissioner Madison seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

Commissioner Parks stated that since the applicant did not come forward during the public hearing, he must be accepting of postponing the request.

**The motion passed with a unanimous vote.**

#### **10. Rezoning RZ10-05: Curtis Capps**

**R. Haynes**

*A request to change the zoning classification from Mixed Use District (MU-2) to Mixed Use Residential District (MU-1) on 0.682 acres of land along the south side of the 300 block of Bonneville Street between Lucky Street and West 24<sup>th</sup> Street, being part of Lot 8 and Lots 9 through 12 in Block 9 of Henderson Addition in Bryan, Brazos County, Texas.*

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends denying the requested rezoning of these lots to MU-1 District. Staff contends that the long-term development prospects for this and other properties in this block (as well as the adjacent block to the southwest) are most likely for commercial use given their proximity to San Jacinto Lane/State Highway 21. Portion of the block where the subject properties are located is already in nonresidential use (carwash). Rezoning the subject properties to MU-1 District and their subsequent development with manufactured housing would in all likelihood forever eliminate the possibility for desirable neighborhood commercial infill redevelopment at this location.

Commissioner Maxwell stated that MU-2 allows for commercial use but also allows for single family detached dwellings, by right, but does not allow for manufactured homes.

The public hearing was opened.

Mr. Arnulfo Aregullin of Oak Creek Homes came forward to speak in favor of the request. Mr. Aregullin stated that he hopes the request is approved in order to provide affordable homes to families.

Mr. Adrian Ramirez, 304 Neal Street, came forward to speak in favor of the request. Mr. Ramirez hopes the request will be approved because it will help in cleaning up the area and because he would like to raise a family in the neighborhood.

Mr. Curtis Capps, 11683 F.M. 2549, came forward to speak in favor of the request.

The public hearing was closed.

Responding to a question from Commissioner Maxwell, Mr. Zimmermann stated that in order to approve the request, all six criteria outlined in the zoning ordinance must be taken into consideration for approval. Mr. Maxwell stated that the first item of criteria would be the most difficult to determine.

Chairperson Beckendorf stated that Commissioner Madison will not be participate in deliberation and voting on this item due to a conflict of interest

Responding to a question from Commissioner Parks, Mr. Zimmermann stated that because of its location to Highway 21, the block in the request should be reserved for commercial use.

**Commissioner Parks moved to deny Rezoning RZ10-05, as recommended by staff. Chairperson Beckendorf seconded the motion.**

Responding to a question from Commissioner Parks, Mr. Haynes stated that the decision of the staff is based on “sound comprehensive planning” and that the area may be better suited for commercial use.

Responding to a statement from Commissioner Bond, Mr. Zimmermann stated that one reason staff is recommending to reserve the entire block for perhaps neighborhood-oriented commercial use is because the lots abutting San Jacinto would be too small to be built on for commercial and that the entire block should be preserved for commercial use.

Mr. Maxwell states that under current circumstances, the front lots look undevelopable and will never be able to develop commercially.

Commissioner Hickle stated that the block will remain vacant for a long period of time under current conditions and would be better used as providing homes in the area and increasing the tax base.

**The motion failed to pass with a vote of two (2) in favor and five (5) in opposition. Commissioners Bond, Chavarria, Hickle, Jones, and Maxwell, cast the votes in opposition. Commissioner Madison did not participate in voting to a conflict of interest.**

**Commissioner Hickle moved to recommend approval of Rezoning RZ 10-05 to the Bryan City Council and, in accordance with Section 130-42(g) of the Bryan Code of Ordinances, to adopt, as the report, findings and evaluation of the Commission the following:**

- (1) The uses permitted by the proposed change will be appropriate in the immediate area concerned and their relationship to the general area and the city as a whole. Due to previous requests for residential development at this location, and since an MU-1 zoning district exists just across Bonneville Street, MU-1 zoning is found to be appropriate at this location.
- (2) There is available water, wastewater, storm water, and transportation facilities generally suitable and adequate for the proposed use.
- (3) There appear to be no reasons that the requested rezoning to MU-1 District would cause other vacant MU-1-zoned land to become unavailable for development.
- (4) In the vicinity there is land zoned MU-1 District to the north of the subject site. This land is developed with site-built as well as manufactured homes.
- (5) Other areas designated for similar development are unlikely to be affected, if these lots were rezoned MU-1 District.
- (6) There are no other factors affecting health, safety, morals, or general welfare.

Commissioner Jones seconded the motion.

Chairperson Beckendorf asked if there was any discussion.

Commissioner Maxwell agreed with staff with the intention of reserving the land for commercial use but does not see that happening in the foreseeable future.

**The motion to approve was passed with a vote of five (5) in favor and two (2) in opposition. Commissioners Beckendorf and Parks cast the votes in opposition. Commissioner Madison did not participate in voting due to a conflict of interest.**

#### **11. Planning Exception PE10-01: Rostell Chapman**

**R. Haynes**

*A request for approval of an exception from standards of the Subdivision Ordinance limiting cul-de-sac street lengths in subdivisions with lot sizes equal to or greater than one acre to 1,200 feet, to allow a cul-de-sac street of up to 2844 feet in length on approximately 41.750 acres land located on the south side of FM 1179, between Steep Hollow Circle and Hidden Trail in Bryan's eastern ETJ (planned Field Creek Estates subdivision) in Brazos County, Texas.*

Mr. Haynes presented a staff report (on file in the Development Services Department). Staff recommends approving the requested exception.

The public hearing was opened.

Joe Schultz came forward as the engineer for the project and to speak in favor of the request.

The public hearing was closed.

**Commissioner Bond moved to approve Planning Exception PE10-01, as recommended by staff. Commissioner Jones seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**12. Right-of-way Abandonment RA10-02: Phillips Addition**

**J. Fulgham**

*A request to abandon a 10-foot wide and 200-foot long portion of public right-of-way for an alley located in Block 22 of the Phillip's Addition that extends between South Haswell Drive and South Ennis Street in Bryan, Brazos County, Texas.*

Ms. Fulgham presented a staff report (on file in the Development Services Department). The Site Development Review Committee and staff recommend denying the requested right-of-way abandonment.

Ms. Fulgham noted that of the public comments she received by email, two citizens were against the request and three were in favor.

Responding to a question from Commissioner Maxwell, Ms. Fulgham stated that the alley abandonment would end at the property line on either side of the alley.

Responding to a question from Chairperson Beckendorf, Ms. Fulgham stated that the alley is currently being maintained by the city.

The public hearing was opened.

Dan Davidson, 707 South Haswell, came forward as the applicant and to speak in favor of the request. Mr. Davidson stated that he currently uses the alley as the only entrance to his carport but wishes to close the public alley because of a safety issue and to cut down on traffic behind his and his neighbors' homes.

Responding to a question from Commissioner Hickle, Mr. Davidson stated that he would like to put up a privacy gate. Ms. Fulgham noted that any improvements would have to be approved by the Historic Landmark Commission.

Responding to a question from Commissioner Maxwell, Ms. Fulgham stated that the applicant would have to receive letters from each of the abutting property owners to obtain their portion of the alley.

Phillip Smith, 705 East 31<sup>st</sup> Street came forward to speak in favor of the request.

Dianna Wilcox, 709 East 31<sup>st</sup> street came forward to speak in favor of the request and agree that the alley has been an issue of security.

The public hearing was closed.

**Commissioner Bond moved to recommend approval of Right-of-Way Abandonment RA10-02, subject to the condition that a public utility easement be reserved on the entire portion of right-**



**of-way proposed to be abandoned to accommodate existing utility facilities. Commissioner Jones seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

Commissioner Bond stated that he agrees with the homeowners and can see the issue of security.

Responding to a question from Commissioner Madison, Mr. Dale Picha stated that the reason Site Development Review Committee recommended denial was because city services would need to be redirected and the alley is currently in use.

Commissioner Parks stated that just because the request is approved, the applicant does not necessarily obtain the entire alley. He expressed a concern for future neighbors of the applicant over this issue.

**The motion passed with a unanimous vote.**

**13. Right-of-way Abandonment RA10-03: Bryan Original Townsite**

**M. Audenaert**

*A request to abandon a public right of way in Block 161 of the Bryan Original Townsite for a 20-foot wide and 250-foot long alley right-of-way extending west from North Sims Avenue to North Sterling Avenue in Block 161 of the Bryan Original Townsite in Bryan, Brazos County, Texas.*

Ms. Audenaert presented a staff report (on file in the Development Services Department). Staff recommends approving the requested right-of-way abandonment, subject to the condition that a 20-foot wide and 250-foot long public utility easement be reserved over the entire abandoned right-of-way in Bryan Original Townsite Block 161, to accommodate existing utility facilities.

The public hearing was opened.

No one came forward.

The public hearing was closed.

**Commissioner Parks moved to recommend approval of Right-of-Way Abandonment RA10-03 subject to the condition that a 20-foot wide and 250-foot long public utility easement be reserved over the entire abandoned right-of-way, to accommodate existing utility facilities. Commissioner Chavarria seconded the motion.**

Chairperson Beckendorf asked if there was any discussion.

There was none.

**The motion passed with a unanimous vote.**

**14. ADJOURN.**

Without objection, Chairperson Beckendorf adjourned the meeting at 7:55 p.m.

These minutes were reviewed and approved by the City of Bryan Planning & Zoning Commission on the **20<sup>th</sup>** day of **May, 2010**.

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Michael Beckendorf, Chairperson  
Planning and Zoning Commission  
City of Bryan, Texas

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Martin Zimmermann, Planning Administrator  
and Secretary to the Planning and Zoning  
Commission